

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ribeiro, Claudio. et al.

SERIAL NO.: 10/731,490

FILED: 09 December 2003

EXAMINER: Lee, John

GROUP: 2684

CASE NO.: CS23471RL

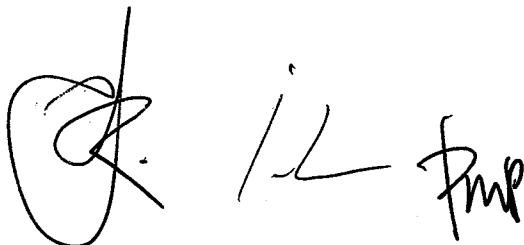
ENTITLED: User Interface

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

The following Declaration and any attachments are to establish conception in the United States of claimed subject matter in the referenced patent application and diligence to the filing of the referenced patent application on 09 DECEMBER 2003 from a date prior to the effective dates of both United States Patent Publication No. US 2004/0209641 A1 by Hong which was filed in the United States on 04 September 2003 and claims priority to KR10-2003-0025049 filed having a priority date of 21 April 2003, and United States Patent Publication No. 2005/0085180 A1 filed on 15 October 2003 by Ballay et al., which are relied upon by the Examiner to support a rejection under 35 U.S.C. 103(a) in the Office Action dated 30 June 2005.

The block contains three handwritten marks. On the left is a large, stylized signature that appears to be 'C. Ribeiro'. In the center are the initials 'IL'. On the right is a signature that appears to be 'JMP'.

Ribeiro et al.

37 CFR 1.131 Declaration No.2
Appl. No. 10/731,490
Examiner Lee, John J
Art Unit 2684

Atty. Docket No. CS23471RL

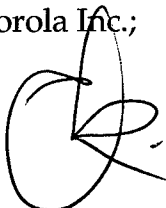
In support of this declaration, Claudio Santiago Ribeiro of Evanston, Illinois, Iulius Lucaci of Evanston, Illinois, and Paul M Pierce of Grays Lake, Illinois declare and say the following:

That we conceived the claimed subject matter of the referenced patent application in the United States before 21 April 2003, the filing date of United States Patent Publication No. 2004/0209641 of Hong, in the course of employment by Motorola Inc., wherein the referenced application has been assigned thereto and a copy of the assignment has been attached as Appendix I;

That the claimed subject matter of the referenced patent application was the subject of a written disclosure prepared after conception, which discloses the conception date that is prior to 21 April 2003 and wherein the written disclosure was submitted in a disclosure form, used by the assignee, Motorola Inc., for the purpose of documenting, considering and maintaining invention disclosures (disclosure attached as Appendix II);

That the conception date which is the earliest verifiable date an individual who is a non-innovator witnessed the claimed subject matter, redacted from the disclosure form attached as Appendix II is prior to 5 January 2000;

That on information and belief on or about 10 July 2003 Motorola Inc. received the disclosure for review and subsequently decided to pursue patent protection on the written disclosure on 25 August 2003, and that thereafter, in due course, a patent application was prepared and filed in the United States Patent Office on 09 DECEMBER 2003 by or on behalf of Motorola Inc.;

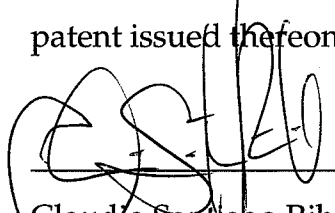
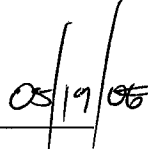
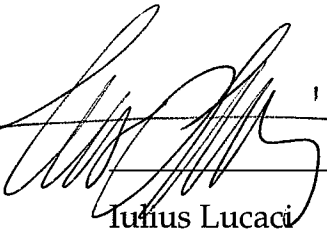
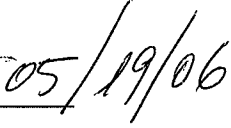
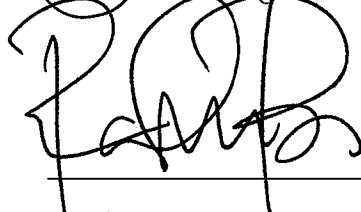
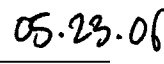
 I-L PMP²

Ribeiro et al.

37 CFR 1.131 Declaration No.2
Appl. No. 10/731,490
Examiner Lee, John J
Art Unit 2684

Atty. Docket No. CS23471RL

That all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 _____ Claudio Santiago Ribeiro	 _____ Date	 _____ Julius Lucaci	 _____ Date
 _____ Paul M Pierce	 _____ Date		

ASSIGNMENT AND AGREEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, we, **CLAUDIO SANTIAGO RIBEIRO, EVANSTON, IL; IULIUS LUCACI, EVANSTON, IL; and, PAUL M. PIERCE, GRAYSLAKE, IL;** have sold, assigned and transferred, and do hereby sell, assign and transfer, unto **MOTOROLA, INC.**, a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, and its successors, assigns, and legal representatives, the entire right, title and interest for the United States of America in and to certain inventions relating to improvements in **USER INTERFACE** (Docket No. **CS23471RL**), described, illustrated and claimed in an application for Letters Patent of the United States of America executed by us on the dates indicated by our signatures below, together with the entire right, title and interest in and to the application, and in and to Letters Patent which may be issued upon the application, and upon any division, extension, continuation or reissue thereof.

We hereby also sell, assign and transfer unto **MOTOROLA, INC.**, the entire right, title and interest in and to the invention and in and to applications for Letters Patent therefor in all countries foreign to the United States of America, including all rights under any and all international conventions and treaties in respect of the invention and the applications for Letters Patent in foreign countries, and we further authorize **MOTOROLA, INC.** to apply for Letters Patent in foreign countries directly in its own name, and to claim priority of the filing date of the application for Letters Patent of the United States of America under the provisions of any and all international conventions and treaties.

We hereby authorize and request the Commissioner of Patents of the United States of America to issue Letters Patent upon the aforesaid application, division, extension, continuation or reissue, to **MOTOROLA, INC.**, for the sole use and benefit of **MOTOROLA, INC.**, its successors, assigns and legal representatives, to the full end of the term for which Letters Patent may be granted, the same as they would have been held and enjoyed by me had this assignment not been made, and we hereby authorize and request the equivalent authorities in foreign countries to issue the patents of their respective countries to **MOTOROLA, INC.**

We agree that, when requested, we will, without charge to **MOTOROLA, INC.**, but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for the inventions in any and all countries and for vesting title thereto in **MOTOROLA, INC.**, its successors, assigns and legal representatives or nominees.

We covenant with **MOTOROLA, INC.**, its successors, assigns and legal representatives, that the interest and property hereby conveyed is free from all prior assignment, grant, mortgage, license or other encumbrance.

CLAUDIO SANTIAGO RIBEIRO

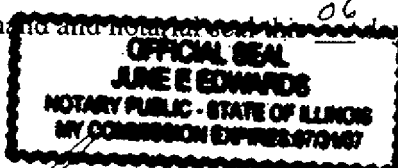
DATE: 06/11/03

STATE OF IL)
)ss
COUNTY OF LAKE)

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Claudio Santiago Ribeiro whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 06 day of November, 2003.

My commission expires:



June E. Edwards
Notary Public Signature

JUNE E. EDWARDS
Printed Name of Notary Public

DATE: 11/06/2003

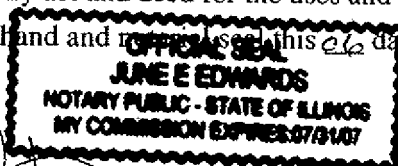
IULIUS LUCACI

STATE OF IL)
)ss
COUNTY OF LAKE)

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Iulius Lucaci whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 06 day of November, 2003.

My commission expires:



June E. Edwards
Notary Public Signature

JUNE E. EDWARDS
Printed Name of Notary Public

DATE: 12.04.03

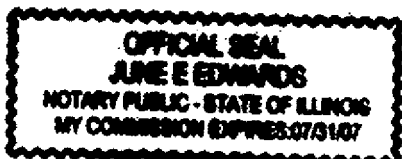
PAUL M. PIERCE

STATE OF IL)
)ss
COUNTY OF LAKE)

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Paul M. Pierce whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 4 day of December, 2003.

My commission expires:



June E. Edwards
Notary Public Signature

JUNE E. EDWARDS
Printed Name of Notary Public



Motorola - My Motorola



Home Innovation Disclosure Publication Clearance Indi-Trac

Welcome June Edwards - Sep 16, 2003

Innovation Disclosure

Disclosure CS23471RL (20703)

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CS20709RA (12792)

ID:

Title:

CS23471RL (20703)

Muti Feature Dial Ring

User Interface

Innovators:

Claudio Ribeiro Santiago Ribeiro, Iulius Lucaci, Paul Pierce

Status:

Awaiting Filing

Disposition:

Pursue

Submitted Date:

Review Date:

Sector:

PCS

Patent Committee: PCS Libertyville

Business Unit:

Consumer Experience, Planning & Software

Organization:

PCS, CXPS, CON EXP DSN, ,

Department:

BB560

Submit Country:

USA

View Changes Log

Administration

Print Disclosure

WORKFLOW

First Innovator

Claudio Santiago Ribeiro (Claudio Ribeiro)Verification Complete 07/10/2003

Co-Innovator

Iulius LucaciVerification Complete 07/15/2003

Co-Innovator

Paul M PierceVerification Complete 07/11/2003

Witness

Stephan P Pfanner (Peter)Acknowledgement Complete 07/11/2

Witness

Joel SotoAcknowledgement Complete 07/14/2

Manager

Yoon ho ChoiAcknowledgement Complete 08/11/2Business Reviewer Bill MaesReview NeededTechnical Reviewer Karsten AagaardReview Needed

REVIEW INFORMATION

Business ReviewerBill MaesTechnical ReviewerKarsten AagaardGrading Results

DOCUMENTS

TTX multi feature dial patent final.ppt

Multi feature dia

QUESTIONS

Name of Innovation or Engineering Development?

Muti Feature Dial Ring

What is the problem(s) to be resolved by or need(s) for your idea?

As the radio devices evolve to new paradigms there's a need to create a way to control a radio device. With this multi-purpose ring that allows for that.

This is a new way to approach the keypad design and allows for simplifying the use of radio/phone as these devices start to have more functions than to make a call.

What patents or publications describe your idea and why don't they resolve the need(s)?

The I-pod design from Apple: That design is only valid for scrolling or selecting (no type of navigation). It does not revolve around the bellkeypad area of the product multiple uses together with the bellkeypad.

[http://store.apple.com/1-800-MY-](http://store.apple.com/1-800-MY-APPLE/WebObjects/AppleStore.woa/71302/wo/OUzZkqRkVw7H3USGEXK2dLFR)

[APPLE/WebObjects/AppleStore.woa/71302/wo/OUzZkqRkVw7H3USGEXK2dLFR](http://store.apple.com/1-800-MY-APPLE/WebObjects/AppleStore.woa/71302/wo/OUzZkqRkVw7H3USGEXK2dLFR)

What is the idea you are disclosing?

The idea is to create and evolve the functionality of the bellkeypad area and adding a ring that can control various functions of the product.

The dial can be digital/touch or physical/mechanical

How does this idea resolve the problem(s) or fulfill the need(s) in a new way?

The Multi-feature dial can be used to control various functionalities:

Digital music mixer: With MP-3's the user can mix music in their device create the tunes...

Sound/volume adjustment: way to control audio volume for the product

Camera Zoom: Controlling the zoom feature

Scrolling: up and down navigation

Gaming: gaming controls

Radio Tuning

Equalizer adjustment

There are other possibilities for the navigation/use of this product, but the basic idea create various possibilities to be explored further.

How or where will this idea be used (e.g. what process or product will it be applied to)?

This idea was conceptualized in the process of creating the TTX design concepts for

Right now was only used in concepts but as the business evolves there will be new

like the Nokia game, that has a different keypad/functionality that goes beyond a keypad

This concept is a new way of evolving the functionality of the keypad and allowing

Do you plan to disclose your idea outside of Motorola (e.g. conference, public product offering, etc.)?

NO

Is your idea known or has it been disclosed outside of Motorola without a duty of disclosure agreement, joint development agreement, etc.)?

NO

Has a product incorporating your idea been sold, offered for sale, placed in public display, sampled, described in any publication (including Motorola promotional literature), or placed into inventory by anyone outside of Motorola (customer or distributor), or placed into inventory by anyone outside of Motorola (customer or distributor), or placed into inventory by anyone outside of Motorola (customer or distributor)?

NO

What is the earliest verifiable date that you communicated your idea to an independent third party (e.g., the date a non-innovator witness signed your engineering notebook)?

Was your idea created or developed through work performed with a consortium, contract, university, or joint venture?

NO

Please specify the Export Control Classification Number(s) (ECCN) to which it applies.
Unknown

KEY TECHNOLOGIES

INNOVATORS

Claudio Santiago Ribeiro (Claudio Ribeiro)

The address and personal information for this innovator should be treated as confidential.

Commerce ID:		Core ID:	
Phone:	847-523-6617	Fax:	847.523.3270
Email:	C.Ribeiro@motorola.com		
Department:	BB560	Location:	IL93
Mail Drop:	AN264	Manager:	<u>Yoon ho Choi</u>
Sector:	PCS	Business Unit:	Consumer Experience Software
Unknown:		Citizenship:	Brazil
Residential Address:		Mailing Address:	

Iulius Lucaci

The address and personal information for this innovator should be treated as confidential.

Commerce ID:		Core ID:	
Phone:	18475230932	Fax:	18475236921
Email:	Iulius.Lucaci@motorola.com		
Department:	BB560	Location:	IL93
Mail Drop:	DS-175	Manager:	<u>Paul Pierce</u>
Sector:	PCS	Business Unit:	Consumer Experience Software
Unknown:		Citizenship:	USA
Residential Address:		Mailing Address:	

Paul M Pierce

The address and personal information for this innovator should be treated as confidential.

Commerce ID:		Core ID:	
Phone:	847/523-3385	Fax:	847/523-6230
Email:	P.Pierce@motorola.com		
Department:	BB594	Location:	IL93
Mail Drop:	DW175	Manager:	<u>Tim Parsey</u>
Sector:	PCS	Business Unit:	Consumer Experience Software
Unknown:		Citizenship:	USA
Residential Address:		Mailing Address:	

ver 2

Attorney-Client Privileged Upon Completion

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Motorola Confidential Proprietary
eIntelligence Contacts

Exhibit
Appendix A

Noskowicz David-wdn002

Subject: CS29471RL

Start: Tue 9/16/2003 3:00 PM
End: Tue 9/16/2003 4:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Ribeiro Claudio-W1703; Lucaci Julius-WLIL01; Pierce Paul-W18412

Noskowicz David-wdn002

From: Noskowicz David-wdn002
Sent: Wednesday, September 17, 2003 10:24 AM
To: Ribeiro Claudio-W1703
Cc: Lucaci Julius-WLIL01; Pierce Paul-W18412
Subject: RE: CS23471RL - MOTOROLA CONFIDENTIAL PROPRIETARY

ATTORNEY CLIENT PRIVILEGE
MOTOROLA CONFIDENTIAL PROPRIETARY

Enclosed are the claims and abstract. Please review and make any comments necessary. If possible I would like to have all comments by the end of today. Thanks,
Dave

CLAIMS

1. A handheld wireless device comprising:
a housing;
a first input device disposed on said housing;
a rotary input device disposed on said housing and encircling said first input device;
a second input device disposed on said housing;
a display disposed on said housing substantially in-between said rotary input device and said second input device; and
a speaker disposed in said second input device.
2. The device of claim 1, wherein said housing is an elongated housing, having a long dimension and a short dimension.
3. The device of claim 2, wherein said rotary input device, said display, and said second input device are aligned substantially linearly along said long dimension of said elongated housing.
4. The device of claim 1, wherein said rotary input device, said display, and said second input device are aligned substantially linearly.
5. The device of claim 4, wherein said display is adjacent to said rotary input device and adjacent to said second input device such that said display is arranged substantially in-between said rotary input device and said input device.
6. The device of claim 5, wherein said first input device is a keypad.
7. The device of claim 6, wherein said keypad is a bell keypad configuration having a plurality of keys, wherein an outer set of keys of said plurality of keys are rounded such that the said bell keypad is in the shape of a circle.
8. The device of claim 7, wherein said rotary input device encompasses said bell keypad, such that said outer set of said keys are adjacent to said rotary input device.

Noskowicz David-wdn002

Exhibit
Appendix C

From: Noskowicz David-wdn002
Sent: Friday, October 31, 2003 4:20 PM
To: Ribeiro Claudio-W1703; Lucaci Iulius-WLIL01; Pierce Paul-W18412
Subject: cs23471rl Spec for review
Attachments: cs23471rl-sh1.tif.TIF; cs23471rl-sh5.tif.TIF; cs23471rl-sh9.tif.TIF; cs23471rl-sh8.tif.TIF; cs23471rl-sh7.tif.TIF; cs23471rl-sh2.tif.TIF; cs23471rl-sh6.tif.TIF; cs23471rl-sh4.tif.TIF; cs23471rl-sh3.tif.TIF; CS23741RL Specification.doc

Tracking:	Recipient	Read
	Ribeiro Claudio-W1703	
	Lucaci Iulius-WLIL01	Read: 11/3/2003 12:36 PM
	Pierce Paul-W18412	

Greetings,

Please review by next Tuesday afternoon 2 pm CST. If the specification and drawings are acceptable, I will have the formal paper for you to sign then. We plan to file the patent application Tuesday afternoon.

If you have any questions, please call me.

Best Regards,
 Dave

.....
 David Noskowicz
 Patent Engineer
 Law/CP Department 21331-400033
 ph: 847.523.2333
 Fax: 847.467.5222

3/20/2006

Noskowicz David-wdn002

Exhibit
Appendix D

From: Noskowicz David-wdn002
Sent: Monday, November 10, 2003 2:59 PM
To: Ribeiro Claudio-W1703
Cc: Lucaci Iulius-WLIL01; Pierce Paul-W18412
Subject: RE: cs23471rl Spec for review

Tracking: Recipient Read
 Ribeiro Claudio-W1703
 Lucaci Iulius-WLIL01 Read: 11/10/2003 3:07 PM
 Pierce Paul-W18412

Paul we still need your signature. When are you available?

-----Original Message-----

From: Ribeiro Claudio-W1703
Sent: Wednesday, November 05, 2003 8:29 PM
To: Noskowicz David-wdn002
Cc: Lucaci Iulius-WLIL01; Pierce Paul-W18412
Subject: RE: cs23471rl Spec for review

Dave,

I just read the e-mail. Could we stop by tomorrow morning?

C.

-----Original Message-----

From: Noskowicz David-wdn002
Sent: Wednesday, November 05, 2003 2:03 PM
To: Ribeiro Claudio-W1703
Cc: Lucaci Iulius-WLIL01; Pierce Paul-W18412
Subject: RE: cs23471rl Spec for review

Great, thanks for the reply. If all three of you can come up at the same time today that would be great. The paper work is ready for you to sign.

Dave

-----Original Message-----

From: Ribeiro Claudio-W1703
Sent: Wednesday, November 05, 2003 1:28 PM
To: Noskowicz David-wdn002
Cc: Lucaci Iulius-WLIL01; Pierce Paul-W18412
Subject: RE: cs23471rl Spec for review

David,

Sorry for not answering earlier to your e-mail. I ready the attachment and the document looks good. I actually was in the downtown office yesterday, but today all of us are here in LV if you need us to sign the patents.

Regards,

3/20/2006

Noskowicz David-wdn002

Exhibit
Appendix E

From: Noskowicz David-wdn002
Sent: Thursday, November 20, 2003 9:55 AM
To: Pierce Paul-W18412
Subject: CS23471RL

Do you have a notary public in your area. I can bring the papers for you to sign down there.

Dave

Dave

David Noskowicz
Patent Engineer
Law/IT Department 3135/400075
ph: 847.823.2333
Fax: 847.407.5200

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: Ribeiro, Claudio. et al.

EXAMINER: Lee, John

SERIAL NO.: 10/731,490

GROUP: 2684

FILED: 09 December 2003

CASE NO.: CS23471RL

ENTITLED: User Interface

SUPPLEMENTAL DECLARATION
UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

This declaration is to establish diligence in the preparation and filing of the present application in the United States or other region permitted by Rule during a period prior to the effective date of United States Application Publication No. US 2004/0209641 A1 by Hong which was filed in the United States on 04 September 2003, and United States Patent Publication No. 2005/0085180 A1 filed on 15 October 2003 by Ballay et al., to the filing date, 09 December 2003, of the instant patent application.

Conception of the claimed subject matter prior to the 04 September 2003 effective date of Hong is established in Applicant's 37 CFR 1.131 Declaration dated 30 November 2005.

In support of this Supplemental Declaration, I, David S Noskowicz, undersigned attorney of record, declare and sayeth the following:

That the disclosure was pursued and work was performed expeditiously on the preparation and filing of the subject patent application (Atty. Docket No. CS23471RL) from a time prior to the effective date of Hong until the 09 December 2003 filing date of the instant patent application. The following correspondence with the inventors is attached supporting the averred diligence:

Communication requesting meeting with the inventors on 16 September 2003 (Exhibit A);

Communication of draft claims to inventors on 17 September 2003 (Exhibit B);

Communication of draft specification to inventors on 31 October 2003 (Exhibit C);

Communication requesting inventors' signatures on 10 November 2003 (Exhibit D); and

Communication exchange with inventors on 20 November 2003 (Exhibit E).

That the attached Exhibits are true copies of original business records produced in the ordinary course of business.

That all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

RIBEIRO ET AL.
"User Interface"

Atty. Docket No. CS23741RL

Supp. 37 CFR 1.131 Declaration
Appl. No. 10/731,490
Confirm. No. 4608
Art Unit 2684

Respectfully submitted,

/David S. Noskowicz/

David S. Noskowicz
Attorney for Applicant
Registration No. 55,503

Dated: 26 May 2006

Phone No. (847) 523-2333

Fax No. (847) 523-2350

Please send correspondence to:
Motorola, Inc.
Intellectual Property
600 North U.S. Highway 45
Libertyville, IL 60048